

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:15-cv-01208-MEJ**

Cream et al v. Northern Leasing Systems, Inc. et al
Assigned to: Magistrate Judge Maria-Elena James
Demand: \$100,000
Cause: 18:1962 Racketeering (RICO) Act

Date Filed: 03/13/2015
Date Terminated: 08/11/2015
Jury Demand: Plaintiff
Nature of Suit: 470 Racketeer/Corrupt
Organization
Jurisdiction: Federal Question

Plaintiff

Joseph Cream, Jr

represented by **Evan Martyndale Livingstone**
Law Office of Evan Livingstone
740 4th St, Ste 215
Santa Rosa, CA 95404
707-206-6570
Fax: 707-676-9112
Email: evanlivingstone@sbcglobal.net
ATTORNEY TO BE NOTICED

Plaintiff

Amanda Cream

represented by **Evan Martyndale Livingstone**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Cathy Cream

represented by **Evan Martyndale Livingstone**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Fernando Carillo

represented by **Evan Martyndale Livingstone**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Northern Leasing Systems, Inc.

represented by **Holly Jo Nolan**
Solomon Grindle Silverman Wintringer APC
12651 High Bluff Dr.
Suite 250
San Diego, CA 92130
858-793-8500
Fax: 858-793-8263
Email: hollyn@sgswlaw.com
ATTORNEY TO BE NOTICED

Defendant**Lease Finance Group, LLC**represented by **Holly Jo Nolan**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****EVO Merchant Services, LLC****Defendant****EVO Payments International, LLC****Defendant****Allen & Associates****Defendant****Lease Source, Inc.**represented by **Holly Jo Nolan**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****Lease Source–LSI, LLC****Defendant****CIT Financial USA Inc**represented by **Holly Jo Nolan**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****Jay Cohen**represented by **Holly Jo Nolan**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****Ron G Arrington****Defendant****Peter S Cohen**

| Date Filed | # | Docket Text |
|------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/13/2015 | <u>1</u> | COMPLAINT AND DEMAND FOR JURY TRIAL against All Defendants (Filing fee \$ 400, receipt number 0971–9359701.). Filed byCathy Cream, Amanda Cream, Fernando Carillo, Joseph Cream, Jr. (Attachments: # <u>1</u> Civil Cover Sheet)(Livingstone, Evan) (Filed on 3/13/2015) (Entered: 03/13/2015) |
| 03/13/2015 | <u>2</u> | Case assigned to Magistrate Judge Maria–Elena James. |

Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit *E-Filing A New Civil Case* at <http://cand.uscourts.gov/ecf/caseopening>.

Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (ha, COURT STAFF) (Filed on 3/13/2015) (Entered: 03/13/2015)

| | | |
|------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/13/2015 | <u>3</u> | Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 6/4/2015. Case Management Conference set for 6/11/2015 10:00 AM. (hdjS, COURT STAFF) (Filed on 3/13/2015) (Entered: 03/16/2015) |
| 03/26/2015 | <u>4</u> | Proposed Summons. (Livingstone, Evan) (Filed on 3/26/2015) (Entered: 03/26/2015) |
| 03/26/2015 | <u>5</u> | ERRONEOUSLY E-FILED: DUPLICATIVE OF DOCKET NUMBER 4 Proposed Summons. (Livingstone, Evan) (Filed on 3/26/2015) Modified on 3/27/2015 (aaaS, COURT STAFF). (Entered: 03/26/2015) |
| 03/26/2015 | <u>6</u> | Proposed Summons. (Livingstone, Evan) (Filed on 3/26/2015) (Entered: 03/26/2015) |
| 03/26/2015 | <u>7</u> | Proposed Summons. (Livingstone, Evan) (Filed on 3/26/2015) (Entered: 03/26/2015) |
| 03/26/2015 | <u>8</u> | Proposed Summons. (Livingstone, Evan) (Filed on 3/26/2015) (Entered: 03/26/2015) |
| 03/27/2015 | <u>9</u> | Summons Issued as to Northern Leasing Systems, Inc. (aaaS, COURT STAFF) (Filed on 3/27/2015) (Entered: 03/27/2015) |
| 03/27/2015 | <u>10</u> | Summons Issued as to Lease Source, Inc. (aaaS, COURT STAFF) (Filed on 3/27/2015) (Entered: 03/27/2015) |
| 03/27/2015 | <u>11</u> | Summons Issued as to CIT Financial USA Inc. (aaaS, COURT STAFF) (Filed on 3/27/2015) (Entered: 03/27/2015) |
| 03/27/2015 | <u>12</u> | Summons Issued as to Jay Cohen. (aaaS, COURT STAFF) (Filed on 3/27/2015) (Entered: 03/27/2015) |
| 03/30/2015 | <u>13</u> | AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL against All Defendants. Filed by Cathy Cream, Amanda Cream, Fernando Carillo, Joseph Cream, Jr. (Livingstone, Evan) (Filed on 3/30/2015) (Entered: 03/30/2015) |
| 03/30/2015 | <u>14</u> | Proposed Summons. (Livingstone, Evan) (Filed on 3/30/2015) (Entered: 03/30/2015) |
| 03/31/2015 | <u>15</u> | Summons Issued as to Lease Finance Group, LLC. (hdjS, COURT STAFF) (Filed on 3/31/2015) (Entered: 03/31/2015) |
| 05/01/2015 | <u>16</u> | MOTION to Dismiss filed by CIT Financial USA Inc, Jay Cohen, Lease Finance Group, LLC, Lease Source, Inc., Northern Leasing Systems, Inc.. Motion Hearing set for 6/25/2015 10:00 AM in Courtroom B, 15th Floor, San Francisco before Magistrate Judge Maria-Elena James. Responses due by 5/15/2015. Replies due by 5/22/2015. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Consent to Magistrate Judge, # <u>3</u> Request to Appear Telephonically, # <u>4</u> Request for Judicial Notice)(Nolan, Holly) (Filed on 5/1/2015) (Entered: 05/01/2015) |
| 05/03/2015 | <u>17</u> | CLERK'S NOTICE Re: Consent or Declination: Plaintiffs/Defendants shall file a consent or declination to proceed before a magistrate judge by 5/15/2015. The forms are available at: http://cand.uscourts.gov/civilforms . (Party/parties were also notified via telephone or email.) (cdnS, |

COURT STAFF) (Filed on 5/3/2015) (Entered: 05/03/2015)

| | | |
|------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/05/2015 | <u>18</u> | Proposed Summons. (Livingstone, Evan) (Filed on 5/5/2015) (Entered: 05/05/2015) |
| 05/06/2015 | <u>19</u> | Summons Issued as to EVO Payments International, LLC. (hdjS, COURT STAFF) (Filed on 5/6/2015) (Entered: 05/06/2015) |
| 05/12/2015 | <u>20</u> | Proposed Summons. (Livingstone, Evan) (Filed on 5/12/2015) (Entered: 05/12/2015) |
| 05/13/2015 | <u>21</u> | Summons Issued as to EVO Merchant Services, LLC. (hdjS, COURT STAFF) (Filed on 5/13/2015) (Entered: 05/13/2015) |
| 05/15/2015 | <u>22</u> | CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Fernando Carillo, Amanda Cream, Cathy Cream, Joseph Cream, Jr.. (Livingstone, Evan) (Filed on 5/15/2015) (Entered: 05/15/2015) |
| 05/15/2015 | <u>23</u> | RESPONSE (re <u>16</u> MOTION to Dismiss) filed by Fernando Carillo, Amanda Cream, Cathy Cream, Joseph Cream, Jr. (Attachments: # <u>1</u> Objection to Defendants' Request for Judicial Notice, # <u>2</u> Declaration of Plaintiff Joseph Cream, # <u>3</u> Request to Appear Telephonically)(Livingstone, Evan) (Filed on 5/15/2015) (Entered: 05/15/2015) |
| 05/20/2015 | <u>24</u> | ORDER GRANTING REQUEST TO APPEAR AT MOTION HEARING BY TELEPHONE re <u>16</u> MOTION to Dismiss filed by Lease Finance Group, LLC, Northern Leasing Systems, Inc., Jay Cohen, Lease Source, Inc., CIT Financial USA Inc. Signed by Magistrate Judge Maria-Elena James on 5/20/2015. (rmm2S, COURT STAFF) (Filed on 5/20/2015) (Entered: 05/20/2015) |
| 05/21/2015 | <u>25</u> | ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Livingstone, Evan) (Filed on 5/21/2015) (Entered: 05/21/2015) |
| 05/21/2015 | <u>26</u> | NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Livingstone, Evan) (Filed on 5/21/2015) (Entered: 05/21/2015) |
| 05/21/2015 | <u>27</u> | ADR Clerk's Notice Setting ADR Phone Conference on Monday, June 8, 2015 at 10:00 AM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (cmf, COURT STAFF) (Filed on 5/21/2015) (Entered: 05/21/2015) |
| 05/21/2015 | <u>28</u> | REPLY (re <u>16</u> MOTION to Dismiss) <i>First Amended Complaint Pursuant to Federal Rules of Civil Procedure, Rule 12b</i> filed by CIT Financial USA Inc, Jay Cohen, Lease Finance Group, LLC, Lease Source, Inc., Northern Leasing Systems, Inc.. (Nolan, Holly) (Filed on 5/21/2015) (Entered: 05/21/2015) |
| 05/22/2015 | <u>29</u> | ORDER VACATING CMC. Signed by Judge Maria-Elena James on 5/22/2015. (cdnS, COURT STAFF) (Filed on 5/22/2015) (Entered: 05/22/2015) |
| 05/26/2015 | <u>30</u> | ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Nolan, Holly) (Filed on 5/26/2015) (Entered: 05/26/2015) |
| 05/28/2015 | <u>31</u> | Certificate of Interested Entities by CIT Financial USA Inc, Jay Cohen, Lease Finance Group, LLC, Lease Source, Inc., Northern Leasing Systems, Inc. (Nolan, Holly) (Filed on 5/28/2015) (Entered: 05/28/2015) |
| 06/08/2015 | <u>32</u> | ADR Remark: The ADR Phone Conference that was scheduled for 6/8/15 has been taken off calendar and will be rescheduled, if necessary, at a later date. (tjs, COURT STAFF) (Filed on 6/8/2015) (Entered: 06/08/2015) |
| 06/16/2015 | <u>32</u> | CLERK'S NOTICE: Continuing Motion to Dismiss Hearing. Hearing continued to July 2, 2015 at 10:00 a.m., before Magistrate Judge Maria-Elena James, 15th Floor, Courtroom B. (rmm2S, |

COURT STAFF) (Filed on 6/16/2015) (Entered: 06/16/2015)

| | | |
|------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/16/2015 | <u>I</u> | Set Deadlines/Hearings: Continued Motion Hearing set for 7/2/2015 10:00 AM in Courtroom B, 15th Floor, San Francisco before Magistrate Judge Maria–Elena James. (rmm2S, COURT STAFF) (Filed on 6/16/2015) (Entered: 06/16/2015) |
| 06/18/2015 | <u>33</u> | MOTION to Appear by Telephone <i>at Motion to Dismiss Plaintiffs' First Amended Complaint</i> filed by CIT Financial USA Inc, Jay Cohen, Lease Finance Group, LLC, Lease Source, Inc., Northern Leasing Systems, Inc.. (Nolan, Holly) (Filed on 6/18/2015) (Entered: 06/18/2015) |
| 06/19/2015 | <u>34</u> | ORDER by Magistrate Judge Maria–Elena James granting <u>33</u> Motion to Appear by Telephone at Motion Hearing. (rmm2S, COURT STAFF) (Filed on 6/19/2015) (Entered: 06/19/2015) |
| 06/19/2015 | <u>35</u> | MOTION to Appear by Telephone filed by Fernando Carillo, Amanda Cream, Cathy Cream, Joseph Cream, Jr. (Attachments: # <u>1</u> US Bankruptcy Meeting of Creditors for July 2, 2015)(Livingstone, Evan) (Filed on 6/19/2015) (Entered: 06/19/2015) |
| 06/22/2015 | <u>36</u> | ORDER by Magistrate Judge Maria–Elena James granting <u>35</u> Motion to Appear by Telephone at Motion Hearing. (rmm2S, COURT STAFF) (Filed on 6/22/2015) (Entered: 06/22/2015) |
| 06/26/2015 | <u>37</u> | ORDER Vacating Hearing and Deferring Ruling on Motion to Dismiss <u>16</u> ; ORDER Requesting Authentication of Documents; Moving Defendants' Response due 7/10/2015; Plaintiffs' Objections due 7/17/2015. Signed by Judge Maria–Elena James on 6/26/2015. (mejlc2S, COURT STAFF) (Filed on 6/26/2015) (Entered: 06/26/2015) |
| 07/10/2015 | <u>38</u> | Declaration of Lina Kravic in Support of <u>16</u> MOTION to Dismiss filed byCIT Financial USA Inc, Jay Cohen, Lease Finance Group, LLC, Lease Source, Inc., Northern Leasing Systems, Inc.. (Related document(s) <u>16</u>) (Nolan, Holly) (Filed on 7/10/2015) (Entered: 07/10/2015) |
| 07/17/2015 | <u>39</u> | OBJECTIONS to re <u>38</u> Declaration in Support, <i>of Defendants' Motion to Dismiss</i> by Fernando Carillo, Amanda Cream, Cathy Cream, Joseph Cream, Jr. (Livingstone, Evan) (Filed on 7/17/2015) (Entered: 07/17/2015) |
| 07/31/2015 | <u>40</u> | ORDER by Judge Maria–Elena James denying Motion to Dismiss and granting Motion to Transfer <u>16</u> ; Order Staying Transfer Pending Supplemental Briefing (mejlc2S, COURT STAFF) (Filed on 7/31/2015) (Entered: 07/31/2015) |
| 08/11/2015 | <u>41</u> | STIPULATION re <u>40</u> Order on Motion to Dismiss / <i>Transfer Venue</i> filed by Fernando Carillo, Amanda Cream, Cathy Cream, Joseph Cream, Jr. (Livingstone, Evan) (Filed on 8/11/2015) (Entered: 08/11/2015) |
| 08/11/2015 | <u>42</u> | STIPULATION AND ORDER TRANSFERRING CASE TO THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK re <u>41</u> Stipulation filed by Fernando Carillo, Cathy Cream, Amanda Cream, Joseph Cream, Jr. Signed by Magistrate Judge Maria–Elena James on 8/11/2015. (rmm2S, COURT STAFF) (Filed on 8/11/2015) (Entered: 08/11/2015) |